

Congress of the United States
House of Representatives
Washington, DC 20515-0530

HENRY A. WAXMAN
30TH DISTRICT, CALIFORNIA

March 7, 2006

Governor Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

Dear Governor Schwarzenegger:

I am writing to let you know my deep frustration in dealing with your office on Congressional legislation that significantly affects California.

Tomorrow the House of Representatives will consider H.R. 4167 ("The National Uniformity for Food Act"). This legislation, according to a letter from 39 Attorneys General, "would strip state governments of the ability to protect their residents through state laws and regulations relating to the safety of food and food packaging." Their letter also correctly notes that "Without question, the target of this bill is California's Proposition 65, which was approved by California voters by initiative in 1986 and provides consumers with health and safety information concerning foods they may purchase and eat. There is no evidence that this popular initiative has harmed consumers or merchants."

Rep. Mary Bono and I wrote to you about this radical legislation on February 8, 2006, and urged you to make your views known.¹ At my direction, my staff followed up with your office repeatedly in the weeks that followed. When that failed to produce a response, I tried calling you last week to let you know this bill was being scheduled for an immediate vote and to make it clear California—and our nation—needed your leadership.

Although you still haven't responded, I did talk with your Chief of Staff today. She said other demands on your time—and the failure of your Washington office to bring this matter to your attention—made it very unlikely you would be able to express a view by tomorrow. I realize there are tremendous demands on your time but, with all due respect, I think an issue that will preempt California's ability to safeguard the food Californians eat is more pressing than the Ohio women's body building and fitness competitions that the press reported you attended this past weekend.²

¹ Letter from Reps. Henry A. Waxman and Mary Bono to Gov. Schwarzenegger (Feb. 8, 2006) (online at http://www.house.gov/waxman/pdfs/letter_schwarzenegger_hr_4167_2.8.06.pdf).

² Governor forfeits extreme fights, *San Francisco Chronicle* (Mar. 4, 2006) (online at <http://www.sfgate.com/cgi-bin/article.cgi?file=/c/a/2006/03/04/MNGSVHIKKT1.DTL>).

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H.R. 4167 will preempt California laws that protect children from toxic lead in their candy, that warn pregnant women that alcohol consumption causes birth defects, and that has kept arsenic out of our bottled water. And according to the Center for Science in the Public Interest, this legislation will even preempt laws that you have signed – and presumably would like to see remain in effect – such as SB 37, which would prohibit the use by high school athletes of certain dietary supplements.

Your silence on this legislation is inexplicable. It not only rolls back essential existing laws, but it takes away your ability, and the ability of the California legislature, to respond to future public health issues. I have no doubt that a clear expression of your views would be of keen interest to Members of Congress and might make the difference in whether this bill is approved or defeated.

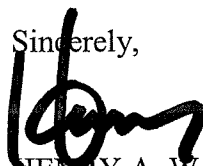
This, unfortunately, is not the first time you have chosen inaction when Congress is weakening California's efforts to protect public health and the environment. On numerous occasions, members of the California delegation have requested the views of the state on important policy questions. For instance, shortly after you took office I wrote to you and provided you a detailed analysis of how pending federal energy legislation could severely adverse the state of California.³ You did not make the state's views known on this legislation until May 13, 2005.⁴ This was approximately three weeks after the energy legislation had already passed the House of Representatives. It is obvious that in the U.S. Senate, California has only 2 of 100 votes. In the House of Representatives, we have 53 out of 435 and members of the California delegation chair and are ranking members of some of the most important House Committees.

As you know, the energy legislation, which is now enacted, is a disaster. Dependence on foreign oil is growing, energy prices are rising, greenhouse gas emissions are increasing, and taxpayers are handing out money hand over fist to the biggest polluters. All of this was predictable—what wasn't expected was that you would let it happen without a fight

We face nearly an identical situation on H.R. 4167. This bill is an outrage and a direct assault on California's ability to protect its citizens. There is still time to make your views known, especially to the Members of the California House Delegation. I hope, unlike the Energy bill, you won't wait until it's too late to make a difference.

With kind regards, I am

Sincerely,



HENRY A. WAXMAN
Member of Congress

³ Letter from Rep. Henry A. Waxman to Gov. Arnold Schwarzenegger (Oct. 22, 2003) (online at <http://www.democrats.reform.house.gov/Documents/20040611104620-77159.pdf>).

⁴ Letter from Gov. Schwarzenegger to Sens. Domenici and Bingaman (May 13, 2005).